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Doc#: 0625110069 Fee: \$44.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 09/08/2006 01:28 PM Pg: 1 of 11

Return Address:

Frederick E. Agustin
Law Offices of Samuel VA Banks
221 N. LaSalle St., 38th Fl
Chicago, IL 60601

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this 16th day of August, 2006 by Wicker Park Properties, Inc., (sometimes hereinafter referred to as "Owner" or "Declarant").

RECITALS:

WHEREAS, Declarant is the Owner and legal titleholder of one (1) certain parcel of real estate in Chicago, Cook County, Illinois commonly known as 2149 - 2153 W. Evergreen Ave., Chicago, Illinois, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, Declarant intends that the Premises be utilized as a residential development made up of one eight-unit (8) condominium building and eight (8) interior parking spaces. ("Intended Use"); and

WHEREAS, the present zoning of the Premises is RT-4 Residential Two-Flat, Townhouse and Multi-Unit District; and

WHEREAS, in order to accommodate Declarant's Intended Use, Declarant intends to effectuate a zoning variation for the Premises to reduce the required lot area per unit from 1000 square feet of lot area per unit to 964.29 square feet of lot area per unit; to reduce the required front yard dimension of 15' to 6'; to eliminate the required 520 square feet of rear yard open space located in the required rear yard; and

WHEREAS, if the proposed zoning variation is approved by the City of Chicago, it shall be subject to a restrictive covenant being recorded against the Premises restricting the Premises to the construction of a condominium residential development and restricting the development so that it is built in substantial and accurate conformance with the site plan and elevations prepared by Hanna Architects, dated [Date], itemized and attached hereto as Exhibit B; and

WHEREAS, Declarant, in consideration of the City's consent to the zoning variation, shall encumber the Premises with a restrictive covenant setting forth the afore stated restrictions, all as more specifically set forth below.

DECLARATIONS:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and for the purposes stated herein, Declarant declares as follows:

1. The recitals set forth hereinabove are fully incorporated herein by this reference.

APN: # 17-06-120-004-0000, 17-06-120-003-0000

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2. All of the Premises are and shall be held, sold and conveyed subject to the covenants, conditions and restrictions herein stated, all of which shall run with the land and be binding upon all parties now or hereinafter having any right, title or interest in the Premises or in any part thereof, and upon those claiming under them, with such limitations or exceptions as are herein expressed.

3. The Premises, or any portion thereof, shall be used solely for the purpose of the construction, development and subsequent sale of a residential condominium development made up of one three-story building with no more than 8 residential units, a Floor Area (as defined by the City of Chicago Zoning Ordinance) of no more than 9,257.18 square feet per building, a building height not to exceed 38'-00" (as defined by the City of Chicago Zoning Ordinance) and for no other purpose whatsoever.

4. The proposed development, as a minimum, shall not exceed any restrictions of the RT-4 Residential Two-Flat, Townhouse and Multi-Unit District with the exception of those restrictions relating to the maximum number of permitted units, and the front yard setback, both of which restrictions are established herein.

5. The construction of the development and the materials used to build the building shall substantially and accurately conform to the plans and elevations, prepared by Hanna Architects, dated [Date], and all attached hereto as Exhibit B.

6. No building shall be erected on the Premises, nor shall construction begin on any building, unless the plans and specifications of any building proposed to be erected have been submitted to the City and written approval therefrom has been secured. Issuance of a building permit by the City for the Premises shall constitute the City's approval of the submitted plans and specifications. A duplicate copy of the Plans submitted to the City of Chicago for permit shall be forwarded to the Wicker Park Committee to the attention of the Chair of the Preservation and Development Subcommittee.

7. All exterior construction materials shall conform to the plans and elevations referenced in Exhibit B. All building elevations, including the garage, shall utilize face brick. All brick indicated on the front elevations shall be modular face brick with actual dimensions of 3-5/8" x 2-1/4" x 7-5/8". All other elevations may utilize over-sized, or economy, face brick. No concrete masonry units (CMU) shall be utilized in any exterior location. All stone indicated on the elevations shall be natural limestone.

8. No decks, or any other construction intended for any use by unit owners, shall be constructed on the roof of the primary building or on the roof of the garage.

9. The eight (8) interior parking spaces shall be conveyed by title to unit owners of record at time of closing at a ratio of at least one (1) parking space per each residential unit.

10. Breach of any of the covenants or violation of any other portions of this Declaration shall not defeat or render invalid the lien of any mortgage or trust deed made in good

PZN:#15-06-120-004-0000; 15-06-120-003-0000

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faith and for value as to any portion of the Premises, but all provisions of this Declaration shall be binding and effective against any owner of any portion of the Premises whose title thereto is acquired by foreclosure, trustee sale or otherwise under such mortgage or trust deed, and shall remain effective as to each portion of the Premises so acquired.

11. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by the Declarant, its successors or assigns, or the City, or the Office of the Alderman which has jurisdiction over the Premises, or any representative of the Wicker Park Committee, against any person or persons violating or attempting to violate any covenant, restriction or other provision hereof, either to restrain or prevent such violation or attempted violation or to recover damages, or both. Failure by the Declarant, its successors or assigns, or the City, or the Office of the Alderman, to promptly enforce any covenant, restriction or other provision of this Declaration shall in no event be a bar to enforcement thereafter and shall not waive any rights of the Declarant, its successors or assigns, the City, the Office of the Alderman, or the Wicker Park Committee to so enforce any covenant, restriction or other provision of this Declaration.

12. In the event of any litigation arising out of this Declaration, the prevailing party shall be entitled to payment of court costs and reasonable attorneys' fees.

13. Invalidation of any covenant, restriction or other provision of this Declaration by judgment or court order shall in no way affect any of the other provisions of this Declaration and such other provisions shall remain in full force and effect.

14. All covenants, conditions and restrictions contained in this Declaration shall run with the land and shall be binding upon all parties and all persons owning any portions of the Premises and all persons claiming under them until the earlier of: (i) fifteen (15) years from the date hereof; (ii) the zoning classification of the Premises changes from an RT4 Residential, Two-Flat, Townhouse and Multi-Unit District; or (iii) an instrument signed by a majority of the then owners of the Premises and a duly authorized representatives of the Office of the Alderman which has jurisdiction over the Premises is recorded against the Premises modifying, amending or terminating the covenants, conditions and restrictions contained herein.

15. This Declaration is executed by Frank Tholke, as an authorized representative, not personally, but solely in the exercise of the power and authority conferred upon and vested in him as an authorized representative of said company.

[Signature on Following Page]

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IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

DECLARANT:

Wicker Park Properties, Inc.

By: Frank Tholke

Frank Tholke,
Authorized Representative for Wicker Park
Properties, Inc.

Property of Cook County Clerk's Office

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STATE OF ILLINOIS)

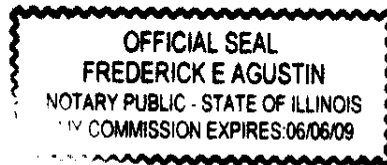
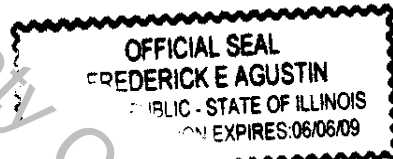
) SS.

COUNTY OF ILLINOIS)

I, Frederick Agustin, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **Frank Tholke**, of _____, personally known to me to be the same person whose name is subscribed to the foregoing **DECLARATION OF RESTRICTIVE COVENANT**, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 16th day of August 2006.

Frederick E Agustin
Notary Public



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EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 20 AND 21 IN BLOCK 15 IN D.S. LEE'S ADDITION TO CHICAGO IN THE WEST ½ OF THE NORTHEAST ¼ AND THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 17-06-120-004-0000; 17-06-120-003-0000

A SEALED PLAT OF SURVEY IS ATTACHED HERETO AND MAKE PART OF THIS EXHIBIT.

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PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL SURVEY FIRM NO. 104-00-0027
1100 N. WISCONSIN AVE., LINCOLNWOOD, ILLINOIS 60468
TEL. (847) 878-2000 FAX (847) 878-5187

ALTA/ACSM LAND TITLE SURVEY

LOTS 20 AND 21 IN BLOCK 19 IN D. S. LEE'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL NET AREA: 7,714.31 SQ. FT. = 0.1770 ACRE

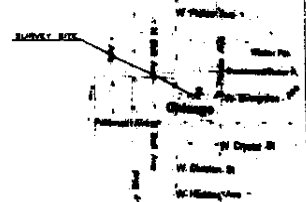
COMMONLY KNOWN AS: 2148-53 WEST EVERGREEN AVENUE, CHICAGO, ILLINOIS.



GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft

VICINITY MAP



W. EVERGREEN AVE



LOT 22 LOT 21 LOT 20 LOT 19

VACANT LOTS

- LEGEND:
- - SEWER MANHOLE
 - - CATCH BASIN
 - TEL - UTILITY POLE

Property of Cook County Clerk's Office



THIS SURVEY WAS MADE BY THE SURVEYOR AND THE ACCURACY OF THE SAME IS GUARANTEED BY THE SURVEYOR'S PROFESSIONAL LIABILITY INSURANCE POLICY.

DATE OF SURVEY: 10/15/2008
BY: [Signature]

THIS IS TO CERTIFY THAT THE SURVEY WAS MADE BY THE SURVEYOR AND THE ACCURACY OF THE SAME IS GUARANTEED BY THE SURVEYOR'S PROFESSIONAL LIABILITY INSURANCE POLICY.

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EXHIBIT "B"

Plans and Elevations prepared by Hanna Architects, dated [Date], and itemized below:

<u>Date</u>	<u>Sheet No.</u>	<u>Sheet Title</u>
-------------	------------------	--------------------

All dates indicated as "ISSUED FOR PERMIT"

Title: 2151 West Evergreen 8 Unit Apartment Building

December 2, 2005	A-1	Site Plan
December 2, 2005	A-4	Building Elevations
December 2, 2005	A-5	Building Elevations

2147 West Evergreen 8 Unit Apartment Building:

December 1, 2005	A-4	Building Elevations
December 1, 2005	A-5	Building Elevations

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HANNA
 1312 734-1889
 138 W. MADISON
 CHICAGO, ILLINOIS 60601
 FAX (312) 735-1801
 PROFESSIONAL DESIGN FIRMA
 ARCHITECT CORPORATION
 LICENSE # 000000000000000000

PROJECT DATA
 PROJECT NAME: 2161 WEST EVERGREEN AVENUE APARTMENT BUILDING B UNIT
 PROJECT ADDRESS: 2161 WEST EVERGREEN AVENUE, CHICAGO, ILLINOIS 60601
 PROJECT NUMBER: 0625110069
 SHEET NUMBER: A-1

PROPOSED 3 CAR MASONRY GARAGE
 TYPE: IN CONSTRUCTION

PROPOSED 5 CAR MASONRY GARAGE
 TYPE: IN CONSTRUCTION

CONC. SLAB

REAR YARD OPEN SPACE
 288 SQ. FT.

REAR YARD OPEN SPACE
 444 SQ. FT.

REAR YARD OPEN SPACE
 278 SQ. FT.

REAR YARD OPEN SPACE
 278 SQ. FT.

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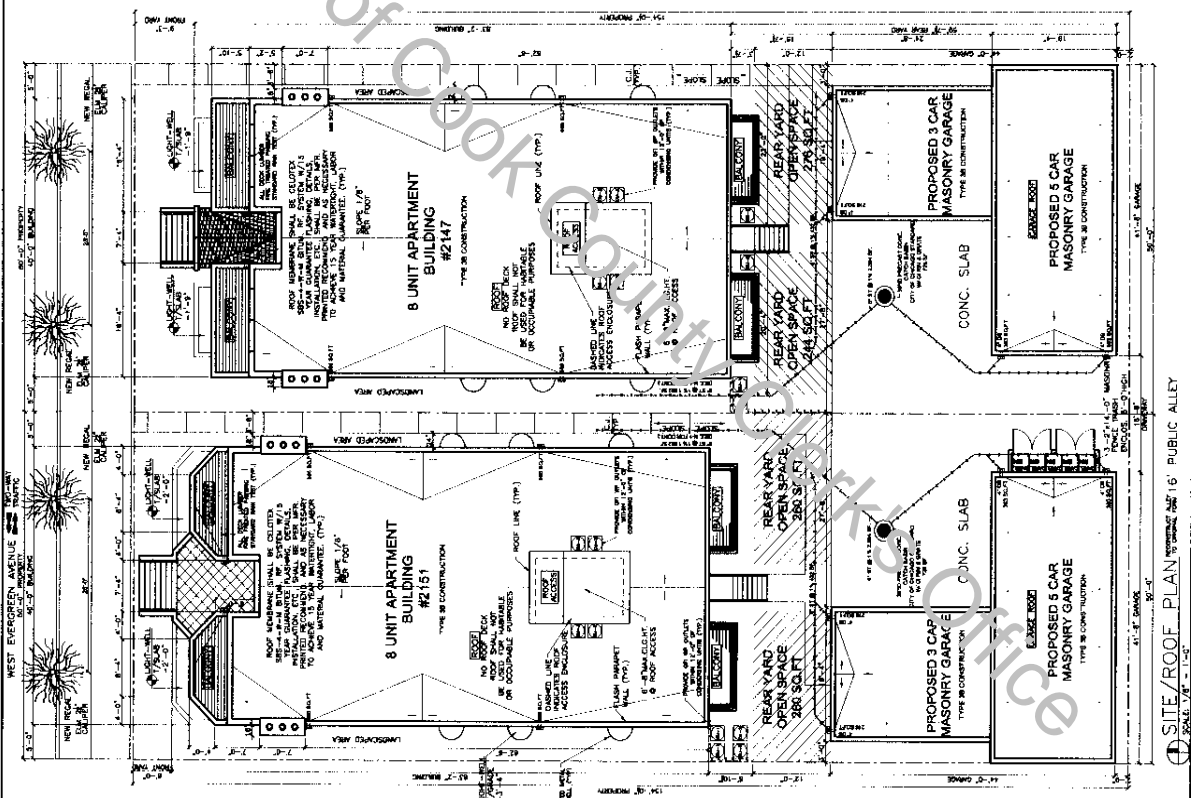
REAR YARD OPEN SPACE
 444 SQ. FT.

REAR YARD OPEN SPACE
 278 SQ. FT.

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 278 SQ. FT.

ZONING DATA:

LOT AREA	7,714.33 SQ. FT.
MINIMUM BUILDING	8,237.18 SQ. FT.
BUILDING SQ. FT.	21,357 SQ. FT.
FLOOR AREA	2,877.11 SQ. FT.
TOTAL	9,248.45 SQ. FT.



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HANNA ARCHITECTS, INC. 2008
 SITE/ROOF PLAN SCALE: 1/8" = 1'-0"

EXHIBIT "B"

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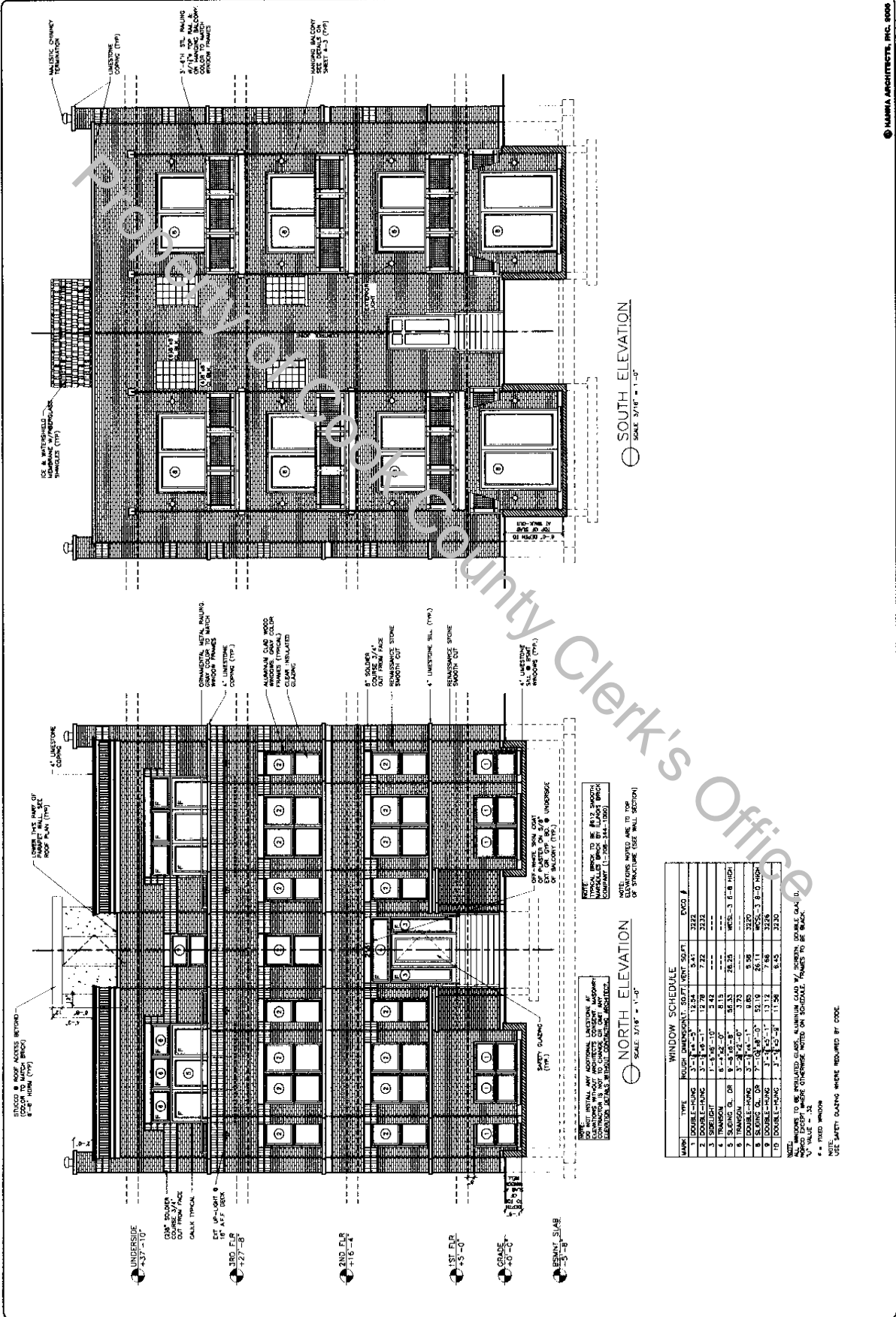
ALBANA
 (312) 756-1811
 118 W. RANDOLPH
 CHICAGO, ILLINOIS 60601
 PROFESSIONAL REGISTRATION NO. 000-00000000
 LICENSE NO. 000-00000000

PREPARED FOR OWNER
 DESIGNED FOR PERMIT
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 TITLE: BUILDING ELEVATIONS

PREPARED FOR OWNER
 2151 WEST
 EVERGREEN AVENUE
 6TH FLOOR
 APARTMENT BUILDING
 CHICAGO, ILLINOIS

BUILDING
 ELEVATIONS

A-4



⊙ SOUTH ELEVATION
 SCALE: 3/16" = 1'-0"

⊙ NORTH ELEVATION
 SCALE: 3/16" = 1'-0"

MARK	TYPE	HEIGHT	WIDTH	GLASS	U-VALUE	R-VALUE	SHADING
1	DOUBLE-HUNG	3'-0"	4'-0"	0.81	0.91	0.22	
2	DOUBLE-HUNG	3'-0"	4'-0"	1.24	0.91	0.22	
3	TRIPLE-HUNG	3'-0"	4'-0"	1.24	0.91	0.22	
4	TRIPLE-HUNG	3'-0"	4'-0"	1.24	0.91	0.22	
5	TRIPLE-HUNG	3'-0"	4'-0"	1.24	0.91	0.22	
6	TRIPLE-HUNG	3'-0"	4'-0"	1.24	0.91	0.22	
7	DOUBLE-HUNG	3'-0"	4'-0"	0.81	0.91	0.22	
8	DOUBLE-HUNG	3'-0"	4'-0"	0.81	0.91	0.22	
9	DOUBLE-HUNG	3'-0"	4'-0"	0.81	0.91	0.22	
10	DOUBLE-HUNG	3'-0"	4'-0"	0.81	0.91	0.22	

EXHIBIT "B"

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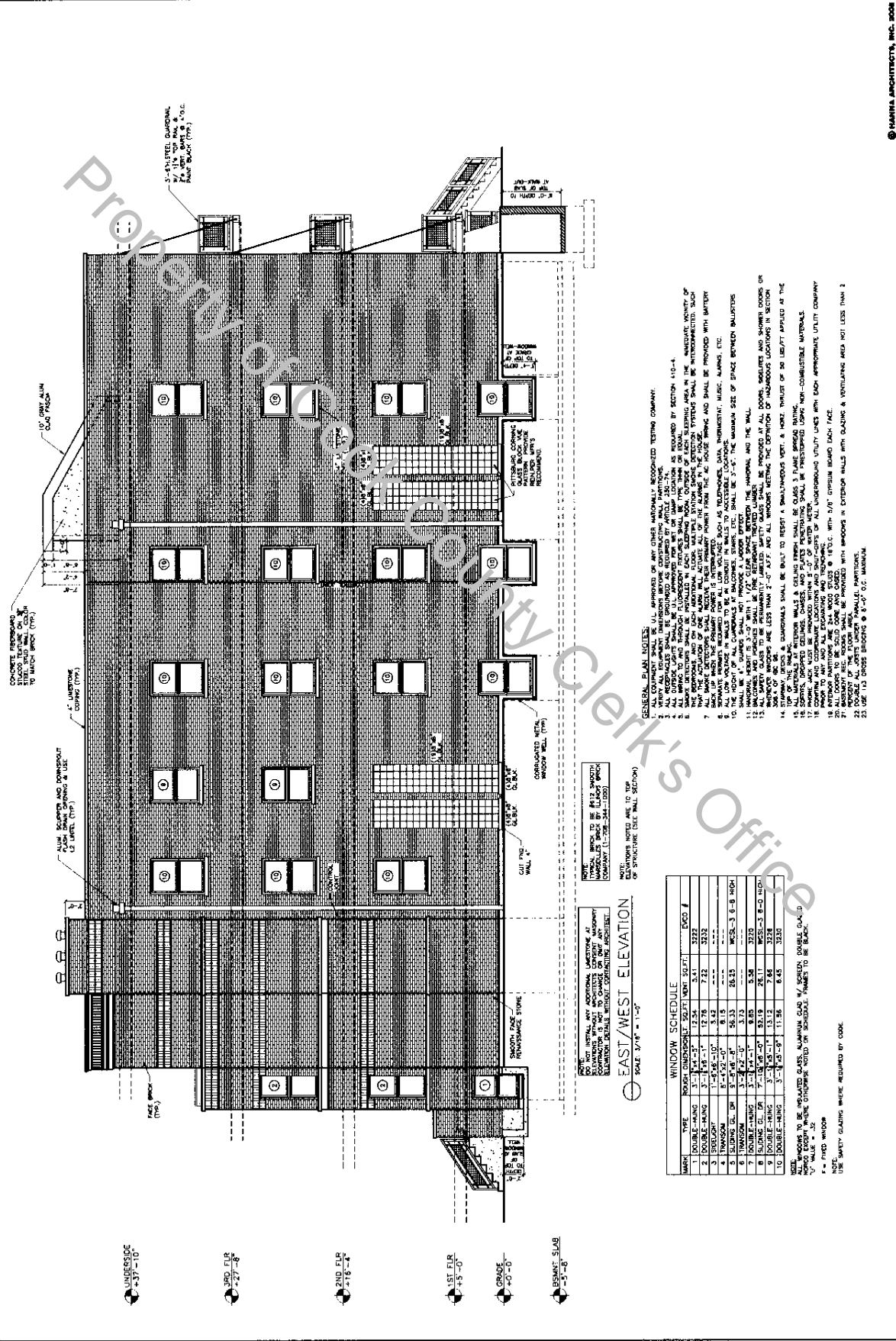
ALPHA
 (312) 750-1000
 108 W. MADISON
 CHICAGO, ILLINOIS 60601
 PROFESSIONAL DESIGN FIRM
 LICENSE NUMBER 001-081493

FILED FOR REVISION
 REVISION NO. 01/21/17
 REVISION DATE: 01/21/17
 COUNTY: COOK COUNTY, ILLINOIS

EVERGREEN BUILDING
 2151 WEST EVERGREEN AVENUE
 APARTMENT BUILDING
 CHICAGO, ILLINOIS

BUILDING ELEVATIONS

A-5



- GENERAL PLAN NOTES:**
1. ALL EQUIPMENT SHALL BE U.L. APPROVED OR ANY OTHER NATIONALLY RECOGNIZED TESTING COMPANY.
 2. ALL REFRIGERATORS SHALL BE APPROVED AS REQUIRED BY ARTICLE 250.79.
 3. ALL REFRIGERATOR FLUORESCENT LIGHTS SHALL BE TYPE T8 OR EQUAL.
 4. ALL REFRIGERATOR CONDENSER COILS SHALL BE APPROVED AS REQUIRED BY ARTICLE 250.79.
 5. THE REFRIGERATOR SHALL BE APPROVED AS REQUIRED BY ARTICLE 250.79.
 6. THE REFRIGERATOR SHALL BE APPROVED AS REQUIRED BY ARTICLE 250.79.
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 10. THE REFRIGERATOR SHALL BE APPROVED AS REQUIRED BY ARTICLE 250.79.
 11. MATERIALS SHALL BE U.L. APPROVED OR ANY OTHER NATIONALLY RECOGNIZED TESTING COMPANY.
 12. MATERIALS SHALL BE U.L. APPROVED OR ANY OTHER NATIONALLY RECOGNIZED TESTING COMPANY.
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 23. MATERIALS SHALL BE U.L. APPROVED OR ANY OTHER NATIONALLY RECOGNIZED TESTING COMPANY.

SCALE: 3/8" = 1'-0"

MARK	TYPE	DESCRIPTION	U.P. / S.P.	EQD /
1	DOUBLE-HUNG	3'-0" x 4'-0"	12.76	3332
2	DOUBLE-HUNG	3'-0" x 4'-0"	12.76	3332
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9	DOUBLE-HUNG	3'-0" x 4'-0"	12.76	3332
10	DOUBLE-HUNG	3'-0" x 4'-0"	12.76	3332

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EXHIBIT "B"